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September 8, 2017

**Re: Notification of Force Majeure Event**  
**Consent Decree Civil Action No. 4:13-cv-02009 (entered 6/6/2014)**  
**Shell Chemical LP, Shell Oil Company, and Deer Park Refining LP**

To Whom it May Concern:

Pursuant to the requirements of Section XI, Paragraph 104 of Consent Decree Civil Action No. 4:13-cv-02009 ("Consent Decree"), Shell Oil Company, Shell Chemical LP, and the Deer Park Refining Limited Partnership ("Shell Oil Company, et al") herewith provide notification that the Shell Oil Company, et al, experienced a *force majeure* event beginning on August 25, 2017.

Tropical Storm/Hurricane Harvey significantly impacted Shell Oil Company, et al's Deer Park Site ("Site"), and as a result of conditions during the duration of this weather system and during subsequent flooding and site recovery and start up efforts, Shell Oil Company, et al was [and continues to be?] delayed and/or unable to meet several of the compliance obligations detailed within the Consent Decree referenced above.

The Site has been inaccessible to most employees from the period of August 25, 2017 until September 5, 2017. We were first in a position to assess the potential for delays or impact on compliance under the Consent Decree on September 5, 2017, and this assessment is currently ongoing. Impacts from the storm continue to this date at the Site, and Site personnel have been focused on securing the safety and environmental integrity of the plant. However, preliminarily we can provide the following details as requested in Paragraph 104:

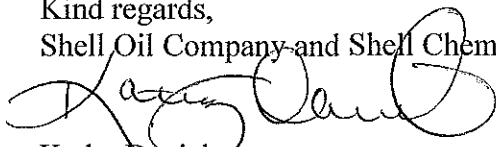
1. Explanation and description of the reasons for the delay: Hurricane Harvey resulted in unprecedented rainfall amounts for the Houston area, with Deer Park receiving over 40" of rainfall. The widespread flooding resulted in a need to evacuate the Site and maintain limited Site staffing levels. Storm related conditions also caused a break in the pipeline that supplies nitrogen to the Site, which hindered operational shutdown processes and contributed to an inability to meet certain Consent Decree obligations.

2. Anticipated duration of the delay: The Site is not yet operational, and the extent of the delay in meeting all Consent Decree obligations will not be fully understood for several weeks after start up.
3. Actions taken or to be taken to prevent or minimize the delay: Operational shutdown was initiated as a result of the storm in an effort to minimize environmental, health and safety related impacts during the hurricane.
4. Schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay: Recovery efforts are underway, but additional scheduling detail is not available at this time, however, the Site has continued to make every effort to comply with applicable environmental regulations, including those related to the Consent Decree.
5. Rationale for attributing such delay to a Force Majeure event: Tropical Storm/Hurricane Harvey was a storm event, Act of God, unprecedented in US or region history. It has been characterized as a 1 in a 1,000 year event in the amount of rainfall that impacted the Houston area. Although the site impacts are still being fully assessed, the rainfall, flooding, winds, and impact to nitrogen supply due to pipeline rupture have caused damage to equipment and contributed to flaring. These conditions are attributable to this storm event, which was beyond the control of Shell Oil Company, et al.
6. Whether, in the opinion of SDP, such event may cause or contribute to an endangerment to public health, welfare, or the environment: There is no current endangerment to public health, welfare, or the environment as a result of current site conditions.
7. Available documentation: All documentation is not currently available due to the gravity of the event.

The full extent of the impacts remains under review, and it is Shell Oil Company, et al's intention to more fully describe those items resulting from the *force majeure* event within the next semi-annual submittal. At present, the impacts include but are not limited to systems related to fence line data collection, flare flow monitoring and instrumentation, flare data recording systems, flare gas recovery, compressor availability and flare operations.

If you have any questions regarding this matter, please contact me directly using the contact information detailed above.

Kind regards,  
Shell Oil Company and Shell Chemical LP, by Shell Oil Products Company LLC, as agent



Kathy Daniels  
Environmental Manager

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